

Remarks

Applicant respectfully requests reconsideration of this application as amended.

Claim 1 has been amended. No claims have been cancelled. Claims 2, 3, 8-10, 13-16, 21-28 and 33 are withdrawn. Therefore, claims 1, 4-7, 11-12, 17-18, 22, 24 and 29-30 are presented for examination.

Claims 1, 11 and 29 stand rejected under 35 U.S.C. 102(e) as being anticipated by Masterson et al. (U.S. 2003/0018755). In addition, claims 1, 4-7, 11-12, 17-20 and 29-30 stand rejected under 35 U.S.C. 102(e) as being anticipated by Matsuo (U.S. 2002/0016955). In response, applicant submits a declaration pursuant to 37 C.F.R. § 1.131 enclosed herewith to overcome the Masterson and Matsuo references.

The submitted declaration illustrates that that the present application had been conceived and reduced to practice in the United States prior to March 30, 2001, the effective filing date of Masterson. Further, the declaration illustrates that that the present application had been conceived and reduced to practice in the United States prior to June 21, 2001, the effective filing date of Matsuo. Reduction to practice occurs upon proof that the inventor had prepared drawings or other descriptions of the invention that are sufficiently specific to enable a person skilled in the art to practice the invention. Pfaff v. Wells Elec., Inc., 525 U.S. 55.

Therefore, applicant submits that the above rejection has been obviated since Masterson and Matsuo have been overcome by the enclosed 37 C.F.R. § 1.131 declaration.

Applicant emphasizes that submission of the enclosed declaration pursuant to 37 C.F.R. § 1.131 should not be construed as an acquiescence to the any of the reasons for rejection set forth in the January 6, 2005 Office Action.

Applicant respectfully submits that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.


Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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